THE HON'BLE Ms. JUSTICE G. ROHINI

–

WRIT PETITION NOs. 1319 OF 2002 AND

13051 OF 2005

–

Dated: 06th October, 2005.

–

Between

1. C. Neeraja and others. … Petitioners

And

1. N.T.R. University of Health Sciences, Vijayawada,

Rep. by its Registrar and others. … Respondents

–

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NOs. 1319 OF 2002 AND

13051 OF 2005

COMMON ORDER :

The writ petitioners who are in four in number have been prosecuting B.P.T. Course in Venkata Padmavathi College of Physio Therapy (for short, 'the College'), Tirupati. The first respondent University issued a notification in all daily newspapers for filling of seats in B.P.T. Course for the academic year 2001-02 and counseling was conducted on the dates notified. It appears that after allotting the candidates under free quota, certain seats remain unfilled. In the circumstances, the first respondent by proceedings dated 28-9-2001 accorded permission to the College to fill up free seats in the management quota. Pursuant to the said direction granted by the first respondent, the University got issued a notification in the daily newspapers on 13-10-2001. In response to the same, the petitioners along with other eligible candidates made their applications and after conducing counseling, they were admitted into 1st Semester of B.P.T. Course on 17-10-2001. It is also relevant to note that the College after admitting the students under various categories forwarded the list of students admitted under free seats filled-in by the University as well as free seats filled by the College including the names of the petitioners and the same was approved by the first respondent University on 4-12-2001. The petitioners have also attended to the classes regularly along with other students and they have put in more than 95% of attendance. While so, the first respondent University issued a notification inviting applications from all eligible candidates of 1st semester of BPT Course who are admitted in the academic year 2001-02 for appearing for the 1st semester examinations. Pursuant to the said notification, the College has directed all the students of the first semester to submit their application forms along with requisite fee as notified by the University. The petitioners have made applications duly paid requisite fee within the time. However, by proceedings dated 18-1-2002 issued by the first respondent, the College has directed the petitioners who were admitted in the free seats under management quota were entitled to appear for the examinations commencing from 29-1-2002 for the reason that they were admitted in the month of October, 2001. Aggrieved by the said action of the respondents, the petitioners filed W.P.No.1319 of 2002.

This Court while directing Rule Nisi, by order dated 28-1-2002 directed the respondents permitting the petitioners to appear for the first semester of B.P.T. examinations scheduled to be commenced from 29-1-2002 and shall not announce

the results until further orders.

It is also not in dispute that the said orders have been obtained by the petitioner from time to time and consequently the petitioners were allowed to appear for the examinations of all the semesters upto fourth year. However, even while the said writ petition is pending, the petitioners were not allowed to appear for the 8th semester of B.P.T. Examinations shall be commenced from 28-6-2005. In the circumstances, the petitioners were constrained to file W.P.No.13051 of 2005, in which this Court granted interim directions permitting the petitioners to appear for the examinations from 21-6-2005. It is not in dispute that the petitioners were permitted to appear for the examinations. However, the fact remains that the results of the petitioners right from first semester have not been declared so far and consequently they are not allowed to commence internships so as to enable them to complete B.P.T. Training Programme on par with the candidates admitted in the academic year 2001-02.

I have heard the learned Counsel for the petitioners as well as the learned Counsel appearing for the respondents.

On behalf of the first respondent University, a counter-affidavit has been filed in which it has been admitted that the petitioners have joined the course in pursuance of the notification issued by the College as per the directions of the 1st respondent University. However, it is stated that the petitioners joined the course 30 days after commencement of the classes and as per the academic regulations of the University, such candidates cannot be allowed to write examinations.

The learned Counsel for the petitioners while placing reliance upon the Regulations of B.P.T. Course issued by the first respondent University dated 3-11-2000 submitted that the candidates who were admitted 30 days or more after commencement of the course shall appear for the 1st and 2nd semesters in a single sitting at the end of 2nd September instead of appearing with referred batch.

On a reading of clause-1 of the Regulations, it is clear even assuming that the petitioners were allowed in the Course 30 days after regular batch, the only consequence that should be allowed the petitioners to appear for the 1st semester examinations in a single sitting at the end of 2nd semester.

In the case on hand, since admittedly the petitioners have completed the entire course i.e., all the 8 semesters and by virtue of the interim orders granted by this Court from time to time, they have already appeared for the examinations of all the semesters conducted at the end of the respective semesters, virtually nothing survives for adjudication in the writ petition.

As already expressed above, the candidates who were admitted into course 30 days after commencement of the course were not eligible to appear for the first semester examinations along with regular batch, but they have to appear for the examinations in a single sitting at the end of the second semester. Since the petitioners not only appeared for the first and second semester examinations but also all other semesters upto 8th semester, I am of the view that the respondents are not justified in not declaring their results, thereby denying them to commence their internship. Since by virtue of the interim orders of this Court, the petitioners have appeared for 1st and 2nd semester examinations long back, withholding their results at this point of time is unwarranted and at any rate such course is not contemplated under the Regulations of the University.

The Writ Petitions are accordingly disposed of. No costs.

_____

06th October, 2005.

Note:- Office is directed to put up a copy

of this Common Order in W.P.No.13051 of

2005 after signatures of the Hon'ble Judge.

(B/O)

gbs